HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI C.V.NAGARJUNA REDDY

Writ Petition No.18472 of 2006

Between

Narra Gopal Reddy ..Petitioner

AND

A.P. Pollution Control Board and others ..Respondents

:: JUDGMENT ::

Counsel for the Petitioners:

Counsel for the respondents: Sri S.V.Bhatt for respondent No.1
Ms.Pushyam Kiran appearing for
Sri S.Ravi for respondent No.4

29-11-2006

Per G.S.Singhvi, CJ

Letter sent by Narra Gopal Reddy, resident of Shamathota Bhavi, Vattimarthy Village, Chityal Mandal, Nalgonda district with the complaint that operation of factory known as M/s Kumars Metallurgical Corporation Limited, respondent No.4 is causing pollution and

consequential damage to his crop in Survey Nos.157 and 161 of Vattimarthy Village, Chityal Mandal, Nalgonda District, was treated as a petition in public interest.

In response to the notice issued by the Court, respondent No.4 has filed counter affidavit and denied the allegation of pollution. He has further averred that the consent granted by the Andhra Pradesh Pollution Control Board (for short, 'the Board') is valid only upto 11.12.2006.

In the report dated 17.11.2006 submitted on behalf of the Board, it has been mentioned that respondent No.4 has complied with all the norms except one relating to sprinklers near the raw material handling area, product handling area and other transfer points.

We would have taken cognizance of the aforementioned deficiency and issued direction to respondent No.4 to take remedial measures, but, as the term of consent is going to lapse on 11.12.2006,we do not consider it necessary to do so and deem it proper to dispose of the writ petition with the direction that if respondent No.4 makes an application for fresh consent or renewal of consent, then the concerned authority of the Board shall pass appropriate order after ensuring that the applicant fulfills the parameters laid down in the statute and the norms prescribed by the Board. It will also be open to the representationist viz., Narra Gopal Reddy to urge to the Board that the consent already granted to respondent No.4 may not be renewed or fresh consent may not be granted in favour of the said respondent until all the norms are fulfilled and preventive measures are taken.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

29.11.2006.

psr